



House of Representatives

General Assembly

File No. 442

February Session, 2014

Substitute House Bill No. 5384

House of Representatives, April 8, 2014

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REPORTS OF NURSE STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-89e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 (a) For purposes of this section:

4 (1) "Department" means the Department of Public Health; and

5 (2) "Hospital" means an establishment for the lodging, care and
6 treatment of persons suffering from disease or other abnormal physical
7 or mental conditions and includes inpatient psychiatric services in
8 general hospitals.

9 (b) [On and after July 1, 2009, each] Each hospital licensed by the
10 department pursuant to chapter 368v shall [, upon request, make
11 available] report, annually, to the department on a prospective nurse
12 staffing plan with a written certification that the nurse staffing plan is

13 sufficient to provide adequate and appropriate delivery of health care
14 services to patients in the ensuing period of licensure. Such plan shall
15 promote a collaborative practice in the hospital that enhances patient
16 care and the level of services provided by nurses and other members of
17 the hospital's patient care team.

18 (c) Each hospital shall establish a hospital staffing committee to
19 assist in the preparation of the nurse staffing plan required pursuant to
20 subsection (b) of this section. Registered nurses employed by the
21 hospital whose primary responsibility is to provide direct patient care
22 shall account for not less than fifty per cent of the membership of each
23 hospital's staffing committee. In order to comply with the requirement
24 that a hospital establish a hospital staffing committee, a hospital may
25 utilize an existing committee or committees to assist in the preparation
26 of the nurse staffing plan, provided not less than fifty per cent of the
27 members of such existing committee or committees are registered
28 nurses employed by the hospital whose primary responsibility is to
29 provide direct patient care. Each hospital, in collaboration with its
30 staffing committee, shall develop and implement to the best of its
31 ability the prospective nurse staffing plan. Such plan shall: (1) Include
32 the minimum professional skill mix for each patient care unit in the
33 hospital, including, but not limited to, inpatient services, critical care
34 and the emergency department; (2) identify the hospital's employment
35 practices concerning the use of temporary and traveling nurses; (3) set
36 forth the level of administrative staffing in each patient care unit of the
37 hospital that ensures direct care staff are not utilized for administrative
38 functions; (4) set forth the hospital's process for internal review of the
39 nurse staffing plan; and (5) include the hospital's mechanism of
40 obtaining input from direct care staff, including nurses and other
41 members of the hospital's patient care team, in the development of the
42 nurse staffing plan.

43 (d) Each hospital shall report, not later than ten days after the
44 beginning of each calendar quarter, to the Department of Public Health
45 its actual daily nurse staffing levels for each patient care unit. Such
46 report shall include: (1) The number of registered nurses providing

47 direct patient care and the ratio of patients to such registered nurses;
 48 (2) the number of licensed practical nurses providing direct patient
 49 care and the ratio of patients to such licensed practical nurses; (3) the
 50 number of registered nurse's aides, as defined in section 20-102aa,
 51 providing direct patient care and the ratio of patients to such
 52 registered nurse's aides; (4) the method used by the hospital to
 53 determine and adjust direct patient care staffing levels; and (5) a
 54 comparison between the prospective nurse staffing plan and the actual
 55 daily nurse staffing levels for each patient care unit.

56 (e) Not later than twenty days after the beginning of any calendar
 57 quarter during which a hospital's actual nurse staffing levels for any
 58 patient care unit are more than ten per cent above or below the
 59 hospital's projected staffing levels stated in the prospective nurse
 60 staffing plan, as described in subsection (b) of this section, such
 61 hospital shall submit to the Commissioner of Public Health, or the
 62 commissioner's designee, an adjusted prospective nurse staffing plan
 63 for the remainder of that calendar year.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2014	19a-89e
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Statement of Legislative Commissioners:

In section 1(d)(5), "plan" was inserted after "prospective nurse staffing", for accuracy, and in section 1(e), the phrase "staffing levels in the prospective nurse staffing plan" was changed to "staffing levels stated in the prospective nurse staffing plan", for clarity.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires hospitals to develop and submit certain reports to the Department of Public Health. Although the John Dempsey Hospital at the University of Connecticut Health Center will have additional reporting requirements due to the bill, the requirements will not result in a fiscal impact to the state.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5384*****AN ACT CONCERNING REPORTS OF NURSE STAFFING LEVELS.*****SUMMARY:**

This bill requires hospitals to:

1. submit quarterly reports to the Department of Public Health (DPH) concerning their actual daily nurse staffing levels for each patient care unit;
2. report annually to DPH on a prospective nurse staffing plan, rather than making the plan available to DPH upon request; and
3. submit an adjusted prospective nurse staffing plan if the hospital's actual nurse staffing levels for any patient care unit vary by more than 10% from its projected levels.

EFFECTIVE DATE: July 1, 2014

NURSE STAFFING LEVEL REPORTS

Under the bill, hospitals must report to DPH their actual daily nurse staffing levels for each patient care unit, within 10 days after the beginning of each calendar quarter. Presumably, the report must cover the previous quarter. The report must include:

1. the number of registered nurses, licensed practical nurses, and registered nurse's aides providing direct patient care and the ratio of patients to each such nursing category;
2. the hospital's method to determine and adjust direct patient care staffing levels; and
3. how the prospective nurse staffing plan compares to the actual

daily staffing levels for each unit.

ADJUSTMENTS TO PROSPECTIVE NURSE STAFFING PLAN

Under the bill, if a hospital's actual nurse staffing levels for any patient care unit are more than 10% above or below its projected levels in a calendar quarter, the hospital must submit to DPH an adjusted prospective nurse staffing plan covering the rest of the year. Hospitals must submit the adjusted plan no later than 20 days into a quarter during which the variance exists. (It is unclear how a hospital can determine 20 days into a quarter whether its staffing level for the remainder of the quarter will vary by more than 10% from its projections.)

BACKGROUND

Prospective Nurse Staffing Plans

By law, when submitting its prospective nurse staffing plan to DPH, a hospital must certify that the plan is sufficient to provide adequate and appropriate patient health care services in the ensuing hospital licensure period. The plan must promote collaborative practice in the hospital that improves patient care and the level of services that nurses and other hospital patient care team members provide. The law specifies certain information that must be included in the plan.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 17 Nay 9 (03/21/2014)